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June 6, 2013

VIA FAX (914-390-4095)

Hon. George A. Yanthis, Magistrate Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

USDC SDNY
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Re: ***Kudo et. al, v. Panda Restaurant Group, Inc. and Panda Express Inc.,***
Case No. 09-cv-0712-CS-GAY (S.D.N.Y.)

Dear Magistrate Judge Yanthis:

This firm represents the Defendants in the above-referenced matter. We write on behalf of the Parties to provide the Court with a proposed deposition schedule, pursuant to the Parties' telephone conference with the Court on May 6, 2013. Since then, the Parties have been working to address the issues regarding the opt-in emails produced in February and March of 2013 by outgoing counsel for Defendants. We are pleased to report that we have made significant headway on this issue, and that Defendants currently expect to have an estimated timeframe for the re-production of emails shortly. In the meantime, Defendants expect to begin production of other documents requested by Plaintiffs on a rolling basis, and Plaintiffs agree to produce any additional resumes for the opt-in deponents at the same time.

On May 30, 2013, the Parties agreed to a proposed deposition schedule as follows:

- The opt-in depositions will take place in approximately seven phases consisting of five (5) opt-in depositions and defense witnesses depositions (including 30(b)(6) depositions). Each phase will take place in one of the following centralized locations: Los Angeles, CA, Washington, D.C., Chicago, IL, and Houston, TX.
- The first phase of opt-in depositions ("Phase 1") will take place in Los Angeles, CA. Assuming that the Parties will have sufficient time to prepare for these depositions (including, but not limited to, reviewing the opt-in e-mails to be re-produced by Defendants and any additional resumes produced by Plaintiffs and outstanding financial and individual store records and incentive plans), we anticipate that Phase 1 will take place in September 2013.

6/10/13 *George A. Yanthis*
APPLICATION GRANTED
SO ORDERED:
GEORGE A. YANTHIS, USMJ
littler.com

Telephone Conference, to be initiated by plaintiffs, shall be held on Monday, October 21, 2013 at 9 a.m.

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- During Phase 1, the Parties have agreed to allot one full day (i.e., the seven hours provided under FRCP Rule 30(d)(1)) for each of the five (5) opt-in depositions, with each deposition scheduled on consecutive days (i.e., from Monday through Friday). If during this Phase it becomes apparent that full-day depositions are not necessary, and/or that it would be mutually beneficial for the Parties to schedule two (2) or more opt-in depositions at the same time (i.e., double- or triple-tracking opt-in depositions in the same city at the same time), the Parties will schedule subsequent Phases of depositions accordingly.
- The parties are currently discussing the parameters for the defense witness depositions listed in the schedule below. Plaintiffs reserve their right to seek additional defense witnesses other than the amount set forth in schedule below and Defendants reserve their right to object to the specific defense witnesses ultimately designated by Plaintiffs.
- After the conclusion of the opt-in depositions in Phase 1, Defendants have agreed to produce one (1) corporate representative witness to testify on 30(b)(6) topics noticed by Plaintiffs, as well as one (1) other defense witness. These defense witness depositions will also take place in Los Angeles.

We expect to be in a better position to address scheduling logistics before the conclusion of Phase 1. In the event the Parties are not able to double-track depositions, or schedule fewer than seven (7) hours for each opt-in, we foresee subsequent Phases to be scheduled as follows:

<u>Phase</u>	<u>Expected Timeframe</u>	<u>Location</u>	<u>Deponents</u>
2	October 2013	Houston	<ul style="list-style-type: none"> • 5 opt-ins • 1 other defense witness
3	October 2013	Washington, D.C.	<ul style="list-style-type: none"> • 5 opt-ins • 2 other defense witnesses
4	November 2013	Los Angeles	<ul style="list-style-type: none"> • 5 opt-ins • 1 30(b)(6) witness • 2 other defense witnesses
5	November 2013	Chicago	<ul style="list-style-type: none"> • 5 opt-ins • 2 other defense witnesses
6	December 2013	Los Angeles	<ul style="list-style-type: none"> • 5 opt-ins • 1 30(b)(6) witness • 2 other defense witnesses
7	December 2013	Houston	<ul style="list-style-type: none"> • 5 opt-ins • 2 other defense witnesses

Both Parties are committed to making sure that these depositions take place as soon as practicable. Defendants are committed to resolving disputes regarding document discovery in

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an expeditious manner, and will continue to cooperate with Plaintiffs on scheduling logistics. Once Defendants are able to project a timeframe for the re-production of the opt-in emails, the Parties will be able to finalize dates for Phase 1. We are happy to provide the Court with an update on scheduling at that time.

We thank the Court for its consideration and courtesies in this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "A. Michael Weber" followed by the initials "(nk)" in parentheses.

A. Michael Weber

AMW/nk

cc: Mary Marzolla, Esq. (via e-mail)
Sara Kane, Esq. (via e-mail)
Rob Valli, Esq. (via e-mail)
Aneeba Rehman, Esq. (via e-mail)



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June 6, 2013

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Fax #(s) verified before sending (initial):

From: A. Michael Weber Fax: 212.832.2719 Phone: 212.583.2660

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Case No. 09-cv-0712 –CS-GAY (S.D.N.Y.)***

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